

## THE MILLS OF JUSTICE.

Special Report of the General Agent of the Department of Justice.

Brewster Cameron's Work for a Period of Two Years.

A Change in the Fee System of Compensating Court Officers Urged.

An Insight Into the Methods of Which the Machinery is Moved.

Brewster Cameron, general agent of the department of justice, yesterday made his report to the attorney general of work done by the examiners of the department of justice from Feb. 1, 1882, the date of his appointment, to Jan. 1, 1884, as follows:

Your attention is first directed to the principal matters entrusted to my care; one of the most important being to supervise the accounts of marshals, attorneys, clerks of courts, commissioners, supervisors, and special deputy marshals at elections, juries, wardens, and other persons connected with the courts. Constant efforts have been made to exercise as careful a supervision of these accounts as possible.

The great extent of territory over which these officers and persons are scattered, and the large number of officials, render the work very difficult; there being 65 marshals, 65 attorneys, 182 courts, and 1,622 active commissioners, and many subordinate officers. The insufficient appropriation permits the employment of only three examiners constantly, much of whose time is frequently occupied in long journeys over the whole United States and its remote territories.

In considering the accounts of court officers many questions arise touching the necessity for the employment of assistants to attorneys, clerks of courts, and to marshals, deputies to clerks of courts, and other subordinate officers, and whether the manner of conducting the business of the district is economical and just; consequently the general agent and examiners must be familiar with the law and with the practices in each district. Personal examinations therefore become necessary throughout the country.

Experience has shown that in many cases the government and private citizens can be largely protected from the abuses growing out of frivolous suits instituted by officers of the court to increase their fees. Combinations of professional informers, deputy marshals, and commissioners have been discovered and broken up. Among other investigations, the official conduct of territorial judges has been inquired into.

Except in the territories, the western district of Arkansas, and the District of Columbia, the government owns no place for the confinement of prisoners. It has been necessary to arrange for the support of the United States prisoners in state and county institutions. In making these arrangements it was found that by concentrating the prisoners they could be supported at a nominal cost to the government. This plan was adopted.

As a consequence many penitentiaries have been offered to support the prisoners; but the department selected only those institutions whose discipline and accommodations were humane and sufficient. Great care has been taken to secure economy and the possible reformation of the prisoners. Their conduct in the various institutions has been reported by personal inspection of the examiners. The result is gratifying to those who have these matters in charge. (In order to ascertain the progress that has been made in prison discipline, an examiner, familiar with this branch of the service, attended the tenth annual conference of charities and corrections held at Louisville, Ky., September last.)

Under the election laws it is appointed in each judicial district a chief supervisor of elections. At all elections for representatives in congress the circuit court may be called upon to appoint supervisors under the direction of the chief supervisor. The law fixes a per diem allowance for the supervisors, and allows chief supervisors certain fees for records, &c. The accounts are usually referred by the secretary of the treasury to this department for investigation; the examiners being familiar with the manner in which supervisors' duties should be performed and with the law governing the same, and also because the appointment of the supervisors by the attorney general. The lack of uniformity in the performance of their duties, and their disposition to multiply records to create fees has made these examinations necessary to protect the government against loss. Many irregularities have been corrected and their recurrence is, it is hoped, prevented. The sums disallowed have been large—amounting in three accounts to \$19,158.36—in one account, \$11,702.65, and \$219.21 and \$2,396.50 in two other accounts respectively.

In examining the accounts of court officers it occasionally happens that fraud is discovered which calls for criminal prosecution. In such cases much time is needed to secure the evidence. The requirements of the law are such that the services of an attorney, without whose written recommendation prosecution was instituted. This is in compliance with your directions in all cases against officers of the court.

Where there are no government buildings for the use of the courts the necessary accommodations have been procured and furnished with a view to economy and convenience. Examiners are required to inform themselves of the amount and character of business in each district visited. This knowledge is needed when applications are made for assistant attorneys, clerks, &c., and enables the department to act with economy and dispatch.

Under the attorney general are placed appropriation for specific purposes, such as investigations of violations of the interstate acts, &c., and persons so employed have also been under the direction and supervision of the general agent. He has examined all accounts for the transportation of prisoners to penitentiaries in districts other than where the convictions were had; examined and approved the accounts for expenses incurred by the United States jail in the District of Columbia, and contracted for the keeping of the entire country and supervised the expenses.

Many other similar services are daily required of the examiners and general agent, of which an important one is the instructions given to marshals and other court officers how to perform specific duties and render proper accounts.

You are aware that the fee system of compensating court officers has been found unreliable and unjust to the governments as well as to the citizen forced to appear in the United States courts. As a result of the examination, investigations of the accounts of marshals, commissioners, and others, you were pleased to recommend to congress in your last annual report the propriety of compensating court officers by salaries instead of fees. In the interest of the government, the department is hoped that your recommendation will be favorably acted upon, for it will be seen by reference to reports made by different examiners, concerning the business of the courts in Alabama, Arkansas, Georgia, New York, Pennsylvania, and Texas, that the abuses of the fee system are not confined to any district or section of the country, but are, with a few notable exceptions, so prevalent and so odious that it is not to be wondered at that deputy marshals and deputy collectors of internal revenue have been shut down as if they were the enemies of the people.

If, however, congress declines to compensate court officers by salaries, there has been prepared a new system of bookkeeping for all courts which will protect all parties and which can be done under a system of fees, against unscrupulous officers. This system will be introduced if congress at its present session omits to act upon your suggestion. The labor of formulating these books is necessarily great, as it is needed repeated revision.

In the main, been performed by an examiner whose services in the accounting offices of the treasury department for years have made him especially fitted for the work. The extent of territory to be traversed, and the number of officers whose accounts and conduct need supervision induce me to present to your attention the inadequacy of the present appropriation for this purpose, namely, \$25,000. Having given the matter much consideration, my conclusion is that the government would be largely benefited by increasing the force of this branch of the service. In support of this opinion your attention is respectfully invited to the annexed copy of a letter upon this subject from the United States attorney for the district of South Carolina, who states that the abuses recently discovered in that state have existed since the time when the authority of the government was re-established in his district, and that they had continued without challenge, he says, "until the precedent had come to be regarded as a law of the service."

The district attorney further says: "I do not hesitate to say that in its effect upon the conduct of the public business in this district, the value of the work done by Mr. Cameron is well overestimated. It is worth an hundred times the expense incurred by the government in his employment, and I feel free to add that whatever may be the condition of the service elsewhere, if this system of examination and inspection could be extended to all the districts, the visit of the examiner to each district in the United States, the economy of it would be abundantly justified."

The advantages resulting from these investigations have been equally apparent in every district where they have been made, as will be seen by reference to the annexed copy of a letter of recent date upon this subject from Hon. R. M. Reynolds, first auditor of the treasury, who concludes his letter as follows:

"The thorough examinations made by your department under the direction of Brewster Cameron, have been of great service to the government. The abuses heretofore existing, as the reports made by the examiners developed irregularities which were scarcely suspected and which were detected was otherwise impossible from the face of the papers presented for audit and adjustment in this manner. The general effect of these examinations upon the public service is noted in the more careful preparation of accounts before approval by the courts, and no hesitation in saying that thousands of dollars have thus been saved to the government and greater efficiency in the judicial service under your supervision."

Hon. William Lawrence, first comptroller of the treasury, coincides with the views expressed by the first auditor of the value of the services rendered by the examiners as an efficient means of the fiscal adjustment of accounts in the treasury. He says:

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It is difficult to appreciate the labor required to make an examination of a marshal's accounts even in a single district. The examiner must see each of the marshal's regular and special deputies, who are sometimes scattered over and entire state, the persons who have been arrested, those who have been reported as guards, many of the witnesses, who sometimes accompany persons under arrest to the commissioner's office, to procure all the evidence that can be found to support the complaints that guards were charged for when no guards were used, the money was charged for when none was taken, and that travel was charged for which was not performed. To investigate the accounts in one district thoroughly requires two examiners' services for six or eight weeks. This shows the labor of this character is usually enormous and severe, and cannot be properly presented in any statement, however full, especially when it is remembered that the results of the examination must always be the basis of any prosecution that may be had.

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